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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MMB Docket No. 1671-0298

J&J Reference: **DEP5256USNP**

Confirmation No. **1579**

Application of: **Hayden**

Examiner: **Richard R. Shaffer**

Serial No. **10/811,338**

Group Art Unit: **3733**

Filing Date: **March 26, 2004**

For: **Navigated Pin Placement for Orthopaedic Procedures**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 22, 2008  
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/James D. Wood/

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January 22, 2008

Date of Signature

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision set forth in the Official Action mailed September 21, 2007, in which the Examiner rejected claims 30-49. Applicant respectfully requests a one (1) month extension in which to file a response from December 21, 2007 to January 21, 2008.

Since the due date for filing this Notice of Appeal fell on Monday, January 21, 2008, which was a federal holiday, this Notice of Appeal is being timely filed on Tuesday, January 22, 2008.

The \$500.00 for the filing of a Notice of Appeal as required by 37 CFR § 41.20(b)(1) was previously paid. Accordingly, pursuant to MPEP 1207.04, no additional fee is required. Also, please provide any further extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,

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